



**Order under Section 21.2 of the
Statutory Powers Procedure Act and the
Residential Tenancies Act, 2006**

Citation: Latjowski v Volterman, 2026 ONLTB 44657

Date: 2026-06-04

File Number: LTB-L-013821-26-RV

In the matter of: Upper, 24 Eastbourne Ave
Hamilton ON L8M2M7

Between: Andrew Latjowski
Wendell Enman

Landlords

and

Mark Volterman

Tenant

Review Order

Andrew Latjowski and Wendell Enman (the 'Landlords') applied for an order to terminate the tenancy and evict Mark Volterman (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-013821-26 issued on May 4, 2026.

On June 3, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I reviewed the materials in the LTB's file as well as the audio recording for this hearing.

Determinations:

1. This application was heard by videoconference on April 22, 2026. The Landlords' Legal Representative, Ian Shemesh, the Landlords and the Tenant attended the hearing.
2. The Tenant filed this review request alleging that there is a serious error in the order and that the Tenant was not reasonably able to participate in the proceeding.
3. The Tenant disputes that the lawful monthly rent is \$900.00 per month and asserts that his monthly rent is actually \$450.00 per month. It is evident from the order that the Tenant also made this claim at the hearing. The Member determined that the lawful rent since the onset of the tenancy has been \$900.00 and that there was no lawful decrease of the rent to \$450.00.

4. The Board's review process is not an opportunity for a person to re-argue an application that has been finally determined. Although the Tenant disagrees with the hearing member's finding, the hearing Member was in the best position to admit and consider the parties' relevant evidence and submissions, and to make findings of credibility.
5. The order sets out in sufficient detail the reasons why the adjudicator arrived at her conclusions. The order, for example, identifies the parties' evidence and legal arguments with respect to the lawful monthly rent. The order is therefore an adequate order, and it is evident that the hearing Member's findings of fact are rationally connected to the evidence adduced during the hearing. Put differently, the hearing Member's findings of fact are not capricious.
6. In the request, the Tenant also alleges that N4 Notice of Termination is invalid as it states a higher amount than what was owed at the time the N4 Notice was issued. The Tenant asserts that at the hearing, the parties agreed that this was the case. I have listened to the hearing recording and at no point in the hearing do the parties agree that the amount owing in the N4 Notice is incorrect. In fact, much of the hearing is spent leading evidence and making submissions on this exact issue as the Tenant believes the amount is inflated because he disagrees that the lawful monthly rent is \$900.00 per month. Therefore, I find that this submission is without merit.
7. The Tenant also alleges that they were not reasonably able to participate because the Member refused to allow the Tenant to present evidence because the Tenant had not filed their evidence with the Board prior to the hearing. This is not what happened during the hearing. The hearing recording confirms that the Tenant acknowledges that he did not file his evidence as he thought that the legal clinic would file his evidence. Although it would have been reasonable for the hearing Member to refuse to consider evidence which was not properly filed in accordance with the Board's Rules of Procedure, the hearing Member did in fact allow the Tenant to rely on the evidence and considered this evidence in her determinations. Therefore, the Tenant's assertion in this regard is also without merit.
8. As I am not satisfied that the Tenant was not reasonably able to participate or that there is a serious error in the order, the request to review the order must be denied.

It is ordered that:

1. The request to review order LTB-L-013821-26 issued on May 4, 2026 is denied. The order is confirmed and remains unchanged.

June 4, 2026
Date Issued

Candace Aboussafy
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.